

Section c.) Remarks.

This is in response to the Notice of Non-Compliant Amendment dated August 13, 2004, in which it was noted that the claims were not presented in ascending numerical order. This has been corrected herein. Otherwise, this is again in response to the Examiner's Office Action dated July 12, 2004.

In accordance with the Examiner's requirement, applicants affirm the prior election without traverse of Claim 74.

Claim 74 has been amended to overcome the Examiner's objection under Section 112.

The Examiner rejected Claim 74 under Section 102 as being anticipated by Klosowski US 57890877, Von Au US 4503210, or Klosowski US 4657967.

The factual determination of anticipation under Section 102 requires the disclosure in a single reference of each and every element of the claimed invention. *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991); *Diversitech Corporation v. Century Steps, Inc.*, 850 F.2d 675, 7 USPQ2d 1315 (Fed. Cir. 1988).

With respect to Claim 74, Klosowski US 57890877 is limited to wood, and fails to teach impregnating the materials now defined in Claim 74, i.e., animals, reptiles, animal and human body organs and bones, leather, pelts, and hides.

Von Au US 4503210 is limited to coating of materials, and fails to teach that there is any impregnation of the materials or curing of the composition within the impregnated material. Von Au also fails to teach impregnating materials such as animals, reptiles, animal and human body organs and bones, leather, pelts, and hides.


Klosowski US 4657967 like Von Au, is limited to coating and encapsulating materials, and fails to teach that there is any impregnation of materials or curing of compositions within the impregnated materials. Similarly, Klosowski also fails to teach impregnating materials such as animals, reptiles, animal and human body organs and bones, leather, pelts, and hides.

A divisional application will be filed in due course to cover the subject matter in pending Claims 75 and 77.

In view of the above, it is considered that Claim 74 as amended distinguishes over the cited references for the reasons stated, and the Examiner is requested to withdraw the rejections and pass the case to issue.

Respectfully submitted,

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